

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday, October 18, 2007
6:00 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPB = Warren County Planning Board
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Department of Environmental Conservation

Present: Chairman Herb Koster, Sandi Aldrich, John Gaddy,
Chauncey Mason, Donald Roessler, Sue Wilson,
Town Counsel Michael Muller, Zoning Administrator Pam Kenyon

Absent: Henry Caldwell

PUBLIC HEARING:

- 1) **SPR06-28 RUSSELL, LESLIE & SPRAGUE, MARY & MCNULTY, CHARLES.** Represented by Donald Russell. Seek Type II Site Plan Review for a marina in the RCH5000 zone. Section 186.07, Block 1, Lot 9, Zone RCH5000. Property Location: 4802 Lake Shore Drive, known as "The Point". Subject to WCPB REVIEW. Subject to SEQR. Note: SPR05-51 approved 12/15/05 has been withdrawn. *NOTE: This public hearing was kept open at the September 2007.*

Donald Russell, representing Leslie Russell, Mary Sprague, and Charles McNulty, gave an overview and said that (1) they were here last month and made some last minute changes, mainly to accommodate their neighbors to the south, namely the museum, (2) they propose to remove two existing straight docks, put in two new e-shape dock configurations and three new moorings down around the point, (2) everything they are asking for is within the zoning regulations of the Town of Bolton, the LGPC and everybody involved.

From the public, Atty. Jeff Meyer of Fitzgerald Morris Baker Firth, representing Twin Bay Village, the property owner to the north, said that (1) there were no concessions made for his clients, (2) while the project may not require any variances, it is still an action that requires a number of permits and they are here to object to those based on the material they submitted previously, (3) they still feel this development is too intense for this small parcel of land and the moorings will create a hazard to the boat traffic and congestion that is already a problem in the area, (4) the moorings are proposed in one of the travel lane in Huddle Bay, which is a concern to his clients and the greater part of the bay, (5) they are still disappointed that the proposed development is as extensive as it is, (6) there is insufficient parking, as the lot size isn't large enough to sustain the use and the locations of the moorings certainly creates a number of problems and (7) based on the revised application and the generalness of the drawing, there are a number of inaccuracies in the SEQR application that was submitted with Part 1 of the EAF and they request that if it is reviewed tonight that those corrections are noted for the record.

From the public, Atty. Dennis Phillips, representing Donald Russell, said that (1) Atty. Meyer said that he would like to make all of his other submissions as a part of this record because there has been litigation involving a previous project, (2) to clarify that, this is a new and different application, so he (Atty. Phillips) would ask the PB only to accept submissions that directly relate to this application and (3) he would ask the PB to exclude everything that related to a different application at a different point of time, a different configuration for this marina and (4) he would say that anything other than what relates to this particular application is not relevant to the record, so he would request that as far as this public hearing is concerned, anything that is submitted at this public hearing or directed at this application be part of this record, but nothing else. P. Kenyon said that the PB only has information from the Bolton Planning Office that directly relates to this particular application.

No additional comments from public in attendance.

Resolutions:

Motion by John Gaddy to close the public hearing. Seconded by Chauncey Mason. All in favor. Motion Carried.

REGULAR MEETING:

H. Koster began the regular meeting at 7:10pm by asking for corrections to the July 19, 2007 minutes.

RESOLUTION

Motion by John Gaddy to accept the July 19, 2007 minutes as presented. Seconded by Donald Roessler. All favorable. Motion carried.

- 1) SPR06-28 RUSSELL, LESLIE & SPRAGUE, MARY & MCNULTY, CHARLES.** Represented by Donald Russell. Seek Type II Site Plan Review for a marina in the RCH5000 zone. Section 186.07, Block 1, Lot 9, Zone RCH5000. Property Location: 4802 Lake Shore Drive, known as "The Point". Subject to WCPB REVIEW. Subject to SEQ. Note: SPR05-51 approved 12/15/05 has been withdrawn. *NOTE: This item was tabled at the September 2007.*

Donald Russell, representing Leslie Russell, Mary Sprague and Charles McNulty said that he would like to address the environmental assessment form.

Counsel referenced previous correspondence submitted from Fitzgerald Baker Morris Firth that says "the plans are inaccurate in that the submitted application and design drawings are inconsistent and he application says that there will be six slips open for rental and the drawings submitted say there are four slips". Counsel then asked the applicant for clarification. Donald Russell said that (1) he knows it is kind of confusing, (2) he would probably like to do the whole thing under a Class A marina permit, (3) in

reality what they have is eight rental units and a lot of people bring there boats up and rent a slip and (4) they have a dock left open for cabin rental use, they have their own private dock and he keeps two boats in the boathouse himself and other family members have boats kept on the outside of the boathouse, so that is all private use and (5) basically, he would rent out the four spots on the one e-shape dock and then the three moorings, which is their intention right now. Counsel asked if the eight slips shown on the map are correct and Donald Russell said yes.

Counsel again referenced the Fitzgerald Baker Morris Firth letter saying that “the application goes to state that there are ten rental opportunities referred to be it slip or mooring as well as stating there are twelve parking spaces, however the design drawings show eight parking spaces, the rental docks and moorings. Counsel asked if the applicant had any comment on that inventory or count. Donald Russell said that with the last revision, he shows five parking spaces and probably an additional seven parking spaces up top. Counsel asked if the applicant has twelve parking spaces and Donald Russell said yes. H. Koster asked where the additional seven parking spaces are proposed and Donald Russell said up in the circle (he referenced the map to clarify).

Counsel said that the Fitzgerald Baker Morris Firth letter also says that “the application does not contain the requisite material for handling wastes—the applicant is required to provide a signed and dated agreement confirming access to pump out. The application also fails to include a wastewater system evaluation for detailing the type of composting toilet proposed as well as adequate assurances that the proposed system will be sufficient to support the proposed use. Counsel asked for the applicant's comment on that. Donald Russell said that (1) there is no specific request for that in an application, but he did bring specs on the compost toilet he intends to use—it is large capacity, electrical so it is a forced air, it is about the best money can buy, it is odorless and self-sustaining in all ways. Donald Russell said that regarding the signed and dated agreement referenced, he has a letter from Norowal Marina that he had recently signed, that all dock renters and the customers from The Point Hotel are allowed to use their pump out facilities. Counsel asked if the applicant has that agreement and Donald Russell said yes.

Counsel again referenced the Fitzgerald Baker Morris Firth letter that says “the moorings as depicted on the designed drawings are also insufficient—the moorings that are drawn do not depict the size of the boat nor the length of the tie lines—moreover the moorings radii overlap, thus creating the potentially hazardous condition, there is no evidence that the Park Commission has ever permitted such a configuration, as the proposed number of moorings could not be located within the setbacks without an overlap of the radii”. Donald Russell said that (1) as you can see in the new application he changed last month, there is no overlap and (2) as to the size of boats—who knows—he is told by an expert who actually places moorings for a living that 32 foot was a typical radius, so he went with that. P. Kenyon said that they received this letter prior to the latest plans.

P. Kenyon asked if Docks 1 and 2 are for personal use and Donald Russell said yes. She asked the purpose of Dock 3 and Donald Russell said Dock 3 is for cabin renters. P. Kenyon asked if Dock 4 was for anyone and Donald Russell said yes. H. Koster asked if

Dock 1 and Dock 2 is the whole boathouse and Donald Russell said yes, he calls it Dock 1 and 2 for the LGPC standards of he thinks it is 750 feet, as the LGPC has a maximum square footage and if you exceed that they consider it two docks, which is why he calls it Dock 1 and Dock 2, even though it is one dock.

S. Wilson asked if there is a need for the application to be changed in number six to say three moorings instead of four, or if that can be changed within the motion. Counsel said that it is already in the motion. Counsel asked if the applicant has amended the application and Donald Russell said that is correct. Counsel asked what would be the correct amount that the applicant seeks on the application and Donald Russell said that (1) it would be three moorings and (2) he amended the drawings, but didn't go back and amend the written portion. Counsel asked if the applicant is verbally amending it right now and Donald Russell said yes, he is.

H. Koster asked if the applicant has any limits for length of boats on the moorings and Donald Russell said probably 24 ft. C. Mason asked if that would include the engine and the swim platform. Donald Russell replied by saying that (1) he would say so, yes, but he doesn't know, (2) if it works, great—he 's not an expert at this—he was just told that Chris Gabriels, who places a lot of these uses as a rule of thumb 32 ft. from the center of the mooring and (3) it is also probably possible to stagger them more, as the water gets deep pretty quick and as he just showed it at the maximum setback from shoreline in the drawing and in real life he doesn't know that will go that way—he doubts it.

H. Koster said that the applicant doesn't show the PB any detail on both of the e-shape docks, which are both off shore, and there would be some kind of access required to get to them. Donald Russell said that there is a staircase in that location, so Dock 4 is accessed by a staircase off the patio and Dock 3 is accessed to the left of Cabin 4 through the woods. J. Gaddy said that in using the scale of the setback, it looks like Dock 4 is about 24 ft. off shore, if the applicant's drawing is accurate. Donald Russell said (1) yes, it depends on how high the water is that day and (2) that is an old crib dock that used to be there—an old steamboat dock—and if you go down there and look at the water, you'll see it's a pretty shallow area right in there with a lot of old crib dock laying in that proximity. J. Gaddy asked if you move out that far, if you'd still building on top of these and Donald Russell said yes. H. Koster asked the length of the docks and Donald Russell said that he thinks they are 40 ft. J. Gaddy said that would be 60 ft. from the shore and Donald Russell said yes, but they would put it in 40 ft. from the mean high water mark.

J. Gaddy asked what the plan is for the recessed lights shown as up-shined—the 6-watt LEDs. Donald Russell said that it he'd probably put two on each step on the staircase, then just some locator lights—front and middle of the dock runs, so if somebody came in at night they could pretty much navigate with very little lighting.

J. Gaddy said that (1) he'd like to see the grass parking are maintained as grass for a long time, since it is going to facilitate any run-off or any stormwater along the way and not have it come back at any further time for being paved and (2) in looking at the cedars, he'd like to see staggered rows of cedars there that can be pretty close then as you go up

they can thin out, rather than just a single line of them. Donald Russell said that makes sense.

J. Gaddy asked the brand name of the compost toilet proposed to be used and Donald Russell said the name of the company is Sunmar. J. Gaddy said that he knows they have been used up at Up Yonda Farm for the last 10 years and they have worked pretty well. J. Gaddy asked what buildings are serviced by the existing leach field shown on the west side of the property and Donald Russell said all of the existing cabins. J. Gaddy asked if Units 1 through 9 are all serviced by that leach field and Donald Russell said yes.

Counsel said that (1) this is a proceeding that does require a Full Environmental Assessment Analysis and that form and (2) ultimately, the PB is going to be asked to decide whether the project is also going to have an impact, if the impactness of the project deserves a negative declaration or if there is something that is a negative declaration with conditions or if it is a positive declaration which requires further analysis.

Counsel said that (1) the applicant produces Part 1 of the submission for SEQR with (1) the name of the action being McNulty, Sprague, Russell docks, (2) the location being 4802 Lake Shore Drive, Bolton, Warren County, (3) the applicant sponsor being Donald E. Russell, P.O. Box 792, Bolton Landing, (4) the description of the action is to remove two straight docks west of the existing boathouse and construct two new e-shape docks to the east of existing boathouse and place three moorings further east of proposed e-docks, (5) the side description is presently between commercial property and Zone RCH5000, (6) the acreage of this project is 1.19 acres, (7) given an inventory of how it is presently developed and how it will be after completion of the proposed changes, to summarize this in very short form, after completion there are no changes in development in terms of what so what is originally there, so what is originally there, the applicant estimates 25% metal or brush land but not agricultural, 60% forested, nothing is agricultural, nothing constitutes tidal or freshwater wetland, approximately 700 feet +/- of shoreline, 2% of the property of the premises is undedicated rock or earth, 13% constitutes roads, buildings and other paved surfaces, but the net change after proposed changes are allowed, suggested by the applicant is that there are no changes, (8) predominant soil types: 80% well-drained, moderately drained at 5% and 15% poorly drained consisting of land filling or blacktop, (7) the bedrock outcroppings are on-site and the depth of the bedrock averaging zero down to approximately 20 ft. and many large white pines which require deep soil for the root system on the property, (8) the approximate percentage of the project site that has slopes is 100% being in the range of 0-10%, (9) regarding the question of if the project is substantially contiguous to or contain a building, site or district listed on the State or National Registers of Historic Places, the answer is "yes in the affirmative" and (10) regarding the question of if the project is substantially contiguous to a site listed on the Register of National Natural Landmarks, the answer is "no".

Counsel continued by saying that (1) regarding the depth of the water table, it is estimated to be 1 to 8 feet in depth, (2) regarding if this site is located over a primary,

principal or sole source aquifer, the answer would be “yes, if you consider Lake George to be a source aquifer”, (3) regarding if hunting, fishing or shell fishing opportunities presently exist in the project area, the answer is “no”, (4) the question then posed is if the project site contains any species of plant or animal life that is identified as threatened or endangered, the answer offered by the applicant is “no and unknown”, (5) regarding if there are any unique or unusual land forms on the project site, the answer given is “no, the project is a 1.9 acre that shares a peninsula”, (6) regarding if the project site is presently used by the community or neighborhood as an open space or recreation area, the answer given by the applicant is “no”, (7) regarding if the project site includes scenic views known to be important to the community, the answer is “yes, breathtaking views of Huddle Bay and east shore from privately owned property for our present customers”, (8) regarding if there are streams within or contiguous to the project area, the answer is “none”, (9) regarding if there are lakes, ponds, wetland areas within or contiguous to project area, the answer is “yes, over 700 feet of shoreline and 622 feet plus by the Lake George Park Commission way of measure on Lake George—there are no wetlands” and (10) the size of the parcel is again stated as a “1.9 acre parcel with 700 more or less feet of shoreline”.

Counsel continued by saying that (1) regarding if the site is served by existing public utilities, the answer is “yes”, (2) if yes to the aforementioned, the question is then if sufficient capacity exists to allow connection and the answer given is “yes”, (3) also, regarding if improvements will be necessary to allow connection, the answer is “yes, to run a couple of new electric circuits”, (4) regarding if the site is located in an agricultural district certified pursuant to Agriculture and Markets Law, the answer is “no”, (5) regarding if the site is located in or substantially contiguous to a Critical Environmental Area designated and specified by Article 8 of the Environmental Conservation Law and the New York Code Rules and Regulations, the answer given is “no”, (6) regarding if the site has ever been used for the disposal of solid or hazardous wastes, the answer is “no” and (7) with respect to the project description, the physical dimensions and scale of the project is: “total contiguous acreage of 1.19 acres”, project acreage to remain undeveloped is “zero” which is the same as to be developed, length of the project to in miles is sort of an inappropriate question so the applicant can’t really respond to it.

Counsel said that the number of off-street parking spaces that presently exist, the answer is “22” and the total inventory of off-street parking proposed is “30”. J. Gaddy said that he has a question on the parking places as the applicant shows 26 on the map. Donald Russell said that (1) he is not sure—that is actually the old application and (2) he is figuring a parking spot per cabin and everything is pretty much gravy after that. Counsel said that what the applicant has to do is to amend to tell him (Counsel) what he (the applicant) proposes, so they can consider this the real SEQR application. Donald Russell said 26. Counsel said that the total existing is 22 and those that are proposed would be no more than 26. Donald Russell said that he’d say the existing, if they had one per cabin then throwing in a handful of extras, say it is 12.

Counsel continued saying that (1) regarding the maximum vehicular trips estimated and generated per hour would be “2” and upon completion of the project “it would be

negligent”, (2) regarding if there are residential housing development on the property, there isn’t, so there is no response to that and (3) the dimensions in feet of the largest proposed structure is “30 inches in height, 32 feet wide and 40 feet long”. Counsel asked if that is a dock and Donald Russell said yes.

Counsel continued saying that (1) the linear feet of frontage along a public thoroughfare the project will occupy is “80 feet”. (2) regarding how much natural material will be removed from the site, the answer is “zero”, (3) regarding if the disturbed areas will be reclaimed, the answer is “it does not apply”, (4) regarding if topsoil will be stockpiled, the answer is “no”, (5) regarding if upper subsoil will be stockpiled for reclamation, the answer is “no”, (6) regarding how many acres of vegetation will be removed from the site, the answer is “none”, (7) regarding if any mature forest over 100 years old or other locally-important vegetation will be removed, the answer given is “no”, (8) this is a single-phase project and the anticipated period of construction is “1 ½ months” and (9) the total number of phases is that it will happen in “1 phase”. Counsel asked if the anticipated commencement is presently and Donald Russell said that it would be either right away or in the spring. Counsel asked if it would be on or before the spring of 2008 and Donald Russell said yes.

Counsel continued saying that (1) regarding if this phase 1 is functionally dependent on subsequent phases, the answer is “no”, (2) regarding if blasting will occur, the answer is “no”, (3) regarding the number of jobs generated during construction would be “4” and after the job is completed “no new jobs” as well as “no jobs eliminated by this project”, (4) regarding if the project will require relocation of any projects or facilities, the answer given is “yes, eliminating two existing straight docks”, (5) regarding if surface liquid waste disposal is involved, the answer is “no”, (6) regarding if subsurface liquid waste disposal is involved, the answer is “no” and (7) regarding if surface area of an existing water body will increase or decrease by proposal, the answer given is “yes, the dock project will increase lake surface by 982 square feet net, dock removal is 278 square feet and dock built is 1,160 square feet”. Counsel asked if that would be under the dock though and Donald Russell said yes, it will be.

Counsel continued by saying that (1) regarding if the project is located in a 100 year flood plain, the answer given is “yes”, (2) regarding if the project will generate solid waste, the answer is “yes.” Counsel asked the amount per month. Donald Russell said probably just two months of removal—so many of those questions just did not apply to this project at all and Counsel said that he understands. Counsel asked if it would certainly be well less than 2 tons of waste and Donald Russell said yes.

Counsel continued saying that (1) regarding if an existing solid waste facility will be used, the answer is “yes, the Bolton Transfer Station located in Bolton, NY. (2) regarding if any waste would not go into a sewage disposal system or into a sanitary landfill, the answer given is “no”, (3) the answer as to what the waste would be “dimensional wood scrap” (4) regarding if the project will involve the disposal of solid waste, the answer is “no”, (5) regarding if the project will use herbicides or pesticides, the answer is “no”, (6) regarding if the project will routinely produce odors more than one

hour per day, the answer is “no”, (7) regarding if the project will produce operating noise exceeding the local ambient noise levels, the answer given is “no”, (8) regarding if the project will result in an increase in energy use, the answer is “yes, electricity, for ice eaters and lights”. Counsel said that it then goes on to a series of questions that don’t apply for wells and water usage.

Counsel continued saying that (1) regarding if the project will involve Local, State or Federal funding, the answer given is “no” and (2) regarding the inventory of what sort of approvals would be necessary: there is no town approval required, there is however town planning board approval by site plan review upon a public hearing; there is no town Zoning Board review sought or required; no County Health Department review sought or required; no other local agencies sought or required; other regional agencies, the answer is “no”; as to State Agencies, it is subject to Lake George Park Commission for review on the same application.

Counsel continued saying that for zoning and planning information, (1) the use and the zone is “RCH5000 commercial”, (2) the maximum potential development of the site if developed as permitted by the present zoning is “with 600 feet of shoreline you have four docks and four moorings” (3) regarding the proposed zoning of this site, “no change is proposed in zoning”, (4) regarding if the proposed action is consistent with the recommended uses in adopted local land use plans, the answer given is “yes”, (5) regarding the regarding the predominant land use zoning classifications within a ¼ mile radius of the proposed action, the answer is “the same—we are bordered by a hotels, marinas and restaurants”, (6) regarding if the proposed action is compatible with adjoining/surrounding land uses within a ¼ mile, the answer given is “yes”, (7) regarding if the proposed action will require the authorizations for the formation of sewer or water districts, the answer given is “no”, (8) regarding if the proposed action would create a demand for any community services, such as recreation, education, fire or police protection, the answer is “yes, as in the unlikely event that a boat or a dock caught fire, Bolton has a reliable Fire Department”, (9) regarding if the proposed action would result in the generation of traffic significantly above present levels, the answer given is “no” Counsel said that the SEQR form answers were verified by the applicant’s signature—Donald E. Russell.

Counsel said that regarding the project impacts, the PB has to take into consideration and make choices on the project impacts.

#1 Impact upon the land: Will the proposed action result in a physical change to the project site? Counsel asked if the PB has any concerns with respect to the impact on the land. H. Koster said that the only thing he thinks is on greater than 15% is that one staircase. Counsel asked if it is accurate that in taking that and whatever physical changes are on this site into consideration, that “it does not make a great impact on the land” would be a true statement”, so it deserves a “no”. H. Koster agreed.

#2 Will there be an adverse affect to any unique or unusual landforms found on this site. All PB members agreed the answer would be “no”.

#3 Will the proposed action affect any water bodies designated as protected? Counsel said that protection comes from Environmental Conservation Law and they are talking about things like dredging, etc. All PB members agreed the answer would be “no”.

#4 Will the proposed action affect any non-protected, existing or new body of water? All PB members agreed the answer would be “no”.

#5 Will the proposed action affect surface or groundwater quality or quantity? Counsel said that the construction of docks and moorings certainly have no impact on those criteria. All PB members agreed the answer would be “no”.

#6 Will the proposed action alter drainage flow or patterns or surface water run-off? All PB members agreed the answer would be “no”.

#7 Will the proposed action affect air quality? All PB members agreed the answer would be “no”.

#8 Will the proposed action affect any threatened or native species? All PB members agreed the answer would be “no”.

#9 Will the proposed action substantially affect non-threatened or non-native species? All PB members agreed the answer would be “no”.

#10 Will the proposed action affect agricultural land use sources? All PB members agreed the answer would be “no”.

#11 Will the proposed action affect aesthetic resources? Counsel said that would constitute if it will change any scenic views, etc. All PB members agreed the answer would be “yes, it would be a small impact”.

#12 Will the proposed action impact any site or structure of historic, prehistoric or paleontological importance? Counsel said the issue is now with the site that is adjacent is on the national register and asked if there would be an impact on it. All PB members agreed the answer would be “yes, it would be a small impact”.

#13 Will the proposed action affect the quantity or quality of existing or future open space on recreational opportunities? Counsel said that it affects recreational opportunities, but it doesn't affect them unfavorably. Counsel asked if the answer would be “no”. All PB members agreed the answer would be “no”.

#14 Will the proposed action impact exceptional or unique characteristics of critical environmental areas established pursuant to the NYSCRR? All PB members agreed the answer would be “no”.

#15 Will there be an effect to existing transportation systems? All PB members agreed the answer would be “no”.

#16 Will the proposed action affect community sources of fuel or energy supply? All PB members agreed the answer would be “no”.

#17 Will there be objectionable odors, noise or vibration as a result of the proposed action? Counsel said that had to do not with starting a boat. All PB members agreed the answer would be “no”.

#18 Will the proposed action affect public health and safety? Counsel said that is asking if the proposal would create issues of hazardous wastes, reactive radioactive material, etc. All PB members agreed the answer would be “no”.

#19 Will the proposed action affect the character of the existing community? Counsel said that question is asking if it would negatively affect it. All PB members agreed the answer would be “no”.

#20 Is there or is there likely to be public controversy related to the potential adverse environmental impacts? Counsel said that it doesn't mean has this public hearing generated any comment or letters of correspondence, but is there is a measurable or large public controversy related to any potential adverse environmental impacts. All PB members agreed the answer would be “no”.

Counsel said that (1) the PB managed to go through 20 questions and nothing has jumped out in Part 2 of the proceeding for the Full Environmental Assessment Form and (2) now, the PB has the crux of the matter which is if the PB can now determine the significance of this particular activity—the first choice is that the project will not result in the environmental impacts of some substance so that it deserves a negative declaration, choice B which is if the PB found something and give it a negative declaration with conditions and then there is choice C which is concerns where the PB needs to go further; the PB needs to deal with that in the form of a motion.

Resolutions:

Motion by Sue Wilson having reviewed the Long Environmental Assessment form, the board finds no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** John Gaddy. **All in favor. Motion Carried.**

The WCPB determined no County impact.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Resolutions:

Motion by Sue Wilson to accept the site plan review application as complete, having made a negative declaration for SEQR and having held a public hearing and grant final approval of the site plan application as presented with the following conditions:

- 1) For the proposed parking area to be kept in grass as proposed
- 2) The cedars to be staggered
- 3) Any additional exterior lighting on the project to be downward facing and shielded
- 4) That moorings be limited to three and maximum boat size be 24 ft.

This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Donald Roessler. **Sandi Aldrich opposed. All other PB members in favor. Motion Carried.**

- 2) **SPR07-33 KLING, STEVEN.** Represented by Matt Steves of VanDusen & Steves. Seek Type II Site Plan Review for a multi family dwelling. Section 171.15, Block 1, Lot 63, Zone GB5000. Property Location: 3 Stewart Avenue. Subject to SEQR. Subject to WCPB Review. *Note: This application is in conjunction with V06-31 for deficient density approved by the Board on 6/18/07.*

Matt Steves of VanDusen & Steves, representing Steven Kling, gave an overview and said that (1) they propose to replace the existing building on Stewart Avenue and replace it with a 3-unit apartment complex that was approved by the Zoning Board, (2) there was no County impact with conditions stormwater measures be taken and (3) the driveway that wraps around will be removed and the asphalt on the front is a decrease in non-permeable area by this application and they are creating a 2 ft. by 4 ft. stone trench around the perimeter of the building that would actually help out with the property to the west as well as with snow that piles up there in the wintertime.

S. Aldrich asked the distance between the proposed building and the MacDonald apartment building. Matt Steves said that the closest point would be the porch with the ramp on it and that is 9.6 ft. and 14.38 ft. to the building itself. S. Aldrich asked if the MacDonalds' is right on the property line and Matt Steves said that (1) the face of that building is on the property line—there is no setback from that building and (2) what currently exists is asphalt, which they would be removing, as well as most of the asphalt that wraps around the back of the building and (3) they have a net increase of green area by this application.

J. Gaddy said that the submitted plans don't detail any exterior lighting. Matt Steves said that in the application they put that they are going to use tan and brown colors on the building and the roof and all the outside lights are cut-off downcast lighting. J. Gaddy said that he'd like specs on the downcast lighting. Matt Steves agreed and said that (1) there is one on the porch, one on the back porch and one over the garage door and (2) it is

a cut-off structure with a 60-watt max bulb. J. Gaddy asked if the proposal is for three exterior lights and Matt Steves said yes.

J. Gaddy asked if the front area would be useful to double as a walking area for pedestrians. S. Aldrich said that it has the raised sidewalk now. J. Gaddy asked if that would be excavated for the parking and Matt Steves said yes, and the area of the entrance on the east side would be level with the road, then they have the taper up to the two parking spots level with the existing walkways there. J. Gaddy asked if in the absence of cars that would be able to be used as a walking area and Matt Steves said yes, it would go all the way across there. J. Gaddy asked if there are power poles in front of there now that would hinder getting cars in and out of there. Matt Steves said that two power poles exist on the Reid lot directly to their east—they are not on this property. J. Gaddy asked if the area to be used for the parking on the street side will be paved and Matt Steves said yes, what is currently existing now with the asphalt on the side and the garage in the back is 59.7% non-permeable and with the change, they are down to is 57.3%.

J. Gaddy said that in another downtown project where there had been approval for infiltration with a stone trench, in the area that runs right along Stewart Avenue, the applicant shows this stone trench coming directly to the roadway—he assumes that would be covered over and paved. Matt Steves said yes, the stone would be underneath and there would still be storage area underneath there and it would be covered.

H. Koster asked if there are any dates for the proposal to start and Matt Steves said the applicant would like to start it in the spring. H. Koster asked the proposed length of time for construction and Matt Steves said that (1) the applicant would anticipate about 120 days (about four months) and (2) the applicant would have liked to start it 2 or 3 months ago, but it's getting close to winter now. Matt Steves said that he doesn't think the applicant would have a problem postponing it to Fall 2008. H. Koster said that it is a tight street there. Matt Steves agreed and said that the applicant would like to do that in the spring, but doesn't have any issue to extend that to late summer, like after Labor Day, if the PB would like.

The WCPB determined no County impact.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Resolutions:

Motion by John Gaddy to accept the application as complete, waive a public hearing and grant approval as presented with the following conditions: 1) Exterior lighting must be downward facing and shielded with low wattage bulbs used. 2) No demolition or major construction is to be undertaken during the months of June, July and August, and is limited to Monday through Friday, 8:00 am through 5:00 pm. Major construction includes the foundation and framing. 3) The infiltration device along Stewart Avenue is to be designed to ensure public safety. This motion includes a SEQR analysis and

findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by Donald Roessler. All in favor. Motion Carried.**

Note: Susan Wilson recused herself from SPR07-34, because she is an Association Member.

3) **SPR07-34 CHAMPAGNE, MARCIA.** Represented by Michael Champagne. For the construction of an approximate 102 sq. ft. screened porch addition. Seek Type I Site Plan Review for development within 100 ft. of Lake George and a wetland. Section 186.18, Block 1, Lot 29, Zone LC45. Property Location: 111 Rainbow Beach Road. Subject to SEQR. Subject to WCPB & APA Review. *Note: This application is in conjunction with V07-60 for deficient setbacks and alterations to a pre-existing, non-conforming structure.*

Michael Champagne, representing Marcia Champagne, gave an overview and said that (1) they propose to incorporate some of the existing square footage of the camp with the new section of the sun porch, which protrudes approximately 4 ½ feet towards the lake and (2) they have also turned it back on the left hand side of the camp, which takes in part of the green area, but not the parking spot and (3) they couldn't put it in the back because there is a swamp there, they didn't put it on the left hand side because that is where the parking lot is and on the right hand side the other camp already has a sun porch which would be too close to the proposed one. He then referenced the photos to clarify.

The WCPB determined no County impact.

P. Kenyon asked if the application submitted to the APA and Michael Champagne said yes, but they haven't heard back yet. P. Kenyon said that the town has not received any APA correspondence on this matter.

J. Gaddy asked if the PB has any ability to put a restriction on a future application of a deck now that there is no front porch, for instance, if a person were to say now they want a front porch. Counsel said no, the PB really doesn't.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Resolutions:

Motion by Donald Roessler to accept the application as complete, waive a public hearing and grant approval as presented with the following condition: 1) Exterior lighting must be downward facing and shielded with low wattage bulbs used. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by John Gaddy.** Sue Wilson recused herself. **All others in favor. Motion Carried.**

- 4) **SPR07-35 HARRY WOLKIN TRUST (Linda Queen)**. Represented by Chris Gabriels. In accordance with Section 200-52, seeks Type II Site Plan Review for a stockade fence to be placed on an existing dock, greater than 6 ft. in height from natural grade. 7.3 ft. is proposed from the mean high water mark. Section 213.17, Block 1, Lot 34, Zone RCM1.3. Property Location: 3832 Lakeshore Drive. Subject to WCPB & APA Review.

Resolutions:

This item was tabled at the applicants request.

Note: Susan Wilson recused herself from SD06-05.

- 5) **SD06-05 OBERER, ERNEST**. Represented by Joseph Fuerst PLS. Seeks to divide into 3 lots that parcel designated as Section 171.00, Block 1, Lot 6, Zone LC25. Sketch Plan Review. Minor Subdivision. Subject to SEQR. *Note: This item was last heard at the September 2006 pending a recommendation from the Fire Department. The Planning Board must determine if the roadway is considered a road or a shared driveway.*

Scott Miller of CLA Site, representing Ernest Oberer, gave an overview and said that (1) when they were last here in September 2006, the PB and Don Volkmann had raised concerns with the proposed driveway, but since then they have been working with Don Volkmann on a redesign that the Fire Dept. would feel would be accessible, (2) they went out in the Town of Bolton and took an inventory of existing roadways looking at slopes and widths, (3) they also took an inventory of existing Fire Dept. equipment in terms of turning radii of the vehicles, etc. and (4) the meeting with Don Volkmann was April 30, 2007 and he was generally pleased with what they had done, but a written response from Don Volkmann at this point has not been forthcoming. H. Koster said that the applicant will not receive a written response from the Fire Dept., because they are not going to open themselves to any kind of liability.

Scott Miller said that (1) the improvements they made are outlined in the letter submitted with the drawings, (2) the width of the driveway has increased from 12 ft. wide with 1 ft. shoulders to 20 ft. wide with 2 ft. shoulders for a total width of 24 ft., (3) the inside turning radii was 30 ft. and it has been increased to 35-35 ft., (4) slopes of the original shared driveway was 15% over generally most of the proposed driveway, which has been reduced to 12.5-14% and there is only a short 300 ft. section that is 15%, (5) 2,800 ft. of the proposed driveway is greater than 12%, there is 1,500 ft. that is less than 12% and in general, less than 10%, so it should be noted that the entire length of the driveway isn't 12.5-14%--there is a large portion of it that is 10% or less, (5) they have also discussed supplying a water storage tank up by the three residences, so in the unfortunate event there was a fire, it would be to aid the Fire Dept. in fighting the fire and reduce trips with the tankers up and down the driveway—the Fire Dept. was pleased to see that, (6) they are showing four hammerhead turnarounds along the driveway, which would give the Fire Dept. apparatus plenty of time to turn around if they need to and to avoid conflict

with other vehicles and (7) they are also proposing in the deeds that each home will have a sprinkler system, because given the length of the driveway and in speaking with Don Volkmann, the addition of the sprinkler systems and the addition of the water storage tank near the residences will certainly help initially contain a fire. H. Koster asked if Don Volkmann suggested the 20 ft. wide roadway and Scott Miller said that (1) the 20 ft. shared driveway was something they discussed with Don Volkmann, (2) the Fire Dept.'s equipment is generally 9 ft. wide and they wanted to see something where emergency vehicles could pass in the event there was a fire or something in the subdivision and (3) that 20 ft. wide shared driveway would allow emergency vehicles to pass one another.

J. Gaddy said that (1) beyond the access concerns, he still has concerns about the amount of disturbance of the area for the three homes, (2) he is not in favor of the amount of clearing to get those three house sites up there, (3) working with the Comprehensive Plan that has been adopted and is being incorporated into the work for the new Zoning Ordinance, there is concern with the strengthening of controls of development along the ridgelines and hillsides—he thinks these houses will be very prominent and he doesn't see how these things are going to be doing anything to enhance the way the hillsides look. Scott Miller said that (1) the proposed building on Lot 1 is not along the ridgeline and it is actually tucked in a little bit, (2) the only two in question would be those closer to the knoll, but they situated those homes so they are not right on top of the ridgeline, but they are situated down the hillside a little bit, so as to not disturb the actual ridgeline and tree line and (3) they are also proposing minimal tree cutting to get the homes located, graded, etc. J. Gaddy said that he is just looking at the amount of site work that needs to be done just to get the road up there. Scott Miller said that what they are trying to do is to maintain as many areas as they can where the existing road is to help minimize additional disturbance and (2) they have kept that in mind and have certainly been sensitive to that. J. Gaddy said that it is just a challenge on that particular site. Peter Loyola of CLA Site, said that (1) just the juxtaposition of the disturbances along the ridgeline are really south facing, (2) there is a lot of intervening topography that is along Edgecomb Pond Road, so that the disturbances with the roadway in that configuration are really contained within the immediate property and maybe across the road, so there are not going to be long distance views of that disturbance, which is one of the reasons they have tucked the driveway as close to the perimeter of the property and in the existing profile and horizontal alignment of the existing driveway, (3) when you come around the pinnacle is when you're going to get a lot more visibility and if the road were oriented in that direction, he would absolutely agree, but where they are putting the road and what they are trying to do is keep it in line with the existing road to the greatest extent they can, get all the constraints with the slope and radius in terms of the alignment and (4) they have really looked very hard at this in terms of alignment and he feels they addressed or at least mitigated to the greatest extent the disturbance they would get here.

H. Koster asked about the contours and Scott Miller said that along the roadway they are 2 ft. and for the rest of the project around the pinnacle they are by the USGS and they are 20 ft. contours. J. Gaddy said that (1) the representatives are saying that the houses on Lots 2 and 3 as the proposed sites are not on the ridge, (2) he only has one contour line above Lot 2 house and (3) asked if the 1483 is part of the burned out area. Scott Miller

said that it is approximately in that area, but there are existing trees that would be in front of the houses that would help mitigate the potential views from the lake of those residences. Peter Loyola said that (1) they are fully prepared to provide some digital simulations on this in terms of what the houses would look like on the hill, (2) one of the key issues here was driveway vs. road and they didn't want to go too much further until they have a determination from this PB on that, (3) with Don Volkmann's help, he believes they have been able to provide safe access up to these homes and (4) they are concerned with visibility as well—they want to make sure they are going to mitigate it to the greatest extent and (5) they are a little bit west and tucked in around the corner of the burned out area on the plan, so as the juxtaposition of pinnacle comes around—they are more on the east facing side. J. Gaddy said that (1) he'd like to see the houses as low as possible, (2) when walking the site, it seemed there were some breaks that would be developable at a lower elevation along the way, which may not obtain the objectives of someone who is trying to maximize their investment here, but again, that is not his concern and (3) to be using this land for development is still possible in his mind, but not to the same objectives as the owner would be. S. Aldrich said that if the three houses were placed on the west of the pinnacle that would greatly reduce the length of the road or shared driveway. H. Koster said that even on the east side of Lot 2 there is a lower elevation, so it is easy access, as the contour line is level going across to the center of the lot to eliminate 3,000 ft. of road. J. Gaddy said that these lines seem to run across where they could come in at one of the turnoffs. Peter Loyola said that (1) the PB needs to keep in mind that there is a lot of ledge rock there, (2) the more they come around that low side, the more cuts they would have to incur and the more tree removal would be incurred, (3) they are truly trying to minimize the disturbance and (4) as far as gaining access to the points that are most desirable, rather than using the front end of the existing driveway or access road up to the pinnacle, they are proposing to go around the back side of this in terms of the road, so they are diverting from the pinnacle roadway and coming around the backside, which will again help minimize disturbance. J. Gaddy said that he is not an engineer, but in walking up there, there will be a lot of disturbance of rock along the way anyway. Scott Miller referenced the map to show potential areas where they anticipate to have rock. Peter Loyola said that (1) the major cut would be on the backside of the property and (2) at station 35 they are trying to maintain the natural topography there, so there would be very minimal disturbance the rest of the way. S. Aldrich said that the plan shows in that section that there could have as much as a 25-30 ft. cut. Scott Miller said that would be approximately 18-20 ft. H. Koster said that (1) he still goes back to that with the disturbance the applicants are showing on this map, if the applicants drove along the contour line, then the disturbance would not be as great as what is being shown in crossing contour lines and (2) if the applicants came right along the contour line at 1100 and inside the 45 ft. radius curve, you could access Lot 2 along that contour line with disturbing an awful lot less. Peter Loyola said that (1) the applicant wishes to balance that out to the greatest extent, however, they are looking to maximize the view and still not make an impact and (2) regarding where the houses are placed, they can certainly mark out the proposed house site, (3) they can do photo simulation, which is very accurate and precise, (4) what the PB would see is what they are going to build, (5) they are minimizing the disturbance as much as they possibly can here, so rather than speculating on if there would be a significant view or not, he'd rather provide some

simulations, provided they could get some direction from this PB on the fact that it is a driveway and that it is a safe, accessible driveway for fire safety.

J. Gaddy said that regarding the surrounding topography, he doesn't believe there is anything that really is between the pinnacle and the view of the lake with any significant height coming close to that—that is a primary ridgeline. S. Aldrich said that you can see all the way down. J. Gaddy said that (1) as you look out there, there is nothing that would be blocking a view from someone that was going to build at 1,100 ft. that you wouldn't see at 1,300 ft. and (2) he doesn't think that there would be anything in the way between the lake and 1,100 ft. that would block the applicant's view of the lake. Peter Loyola said that (1) they would certainly be happy and accommodating to look at that in term of the house locations, (2) before they get into spending any more of their applicant's money, they want to know conceptionally and by sketch plans at to how this is headed and (3) they are meeting the zoning requirements, it is a three-lot subdivision and while they are trying to maximize views, they want to do it in a way that is obviously sensitive to the surrounding area and minimizing individual impact. Scott Miller said that in terms of visibility, the colors applied to the homes would be so that it would blend in with the surrounding area. J. Gaddy said that (1) the PB is seeing more and more of lands once deemed undevelopable come before them because of the value of the real estate and where a road like this would have been prohibited 20 years ago, now these things are coming to the PB and the PB has to question why they are even looking at this and (2) it is just like other projects the PB has had before it where the PB has had concerns with the amount of disturbance to get three houses—it is solely from the disturbance end of it.

H. Koster said that he would not like to see this PB to tell the applicant that the PB wants to go by road specifications or driveway specifications, because the PB is in the middle between health and safety for width as far as the Fire Dept. goes and in the other direction, as far as disturbance goes, so if the PB says that this has to be met as road specifications, there will be twice the disturbance being shown here and what is being shown here is already wide driveway at 20 ft. with more disturbance than the PB would like to see, (2) he can't give the applicants a definitive answer unless they give the PB a definitive plan they want to go forward with and the PB will have to decide whether to approve it or not, (3) the PB is very concerned with the amount of disturbance, as they are proposing 7/8 mile or road/driveway for three houses, which is an awful lot of disturbance, which is the PB's concern. Peter Loyola said that (1) if you can't see that disturbance and it is not going to impact any surrounding views from any distance, then as long as they provide the proper erosion and sediment controls and they engineer it properly so there is not going to be any impact to that disturbance, if you can't see it, then he doesn't understand what the issue is with disturbance, (2) he asked if it is a visual issue with disturbance, because you are not going to see the disturbance from anywhere in the surrounding area with regard to the road and (3) it is a blocked view with all the vegetation in here, so there is no possible way that even when you are along the road that you are going to see any disturbance. H. Koster said (1) if it was engineered properly and (2) at this point he would be uncomfortable with giving the applicants specifications the PB is demanding for either a town road or a town driveway at this point—he is asking the applicants to show him. Peter Loyola said that (1) they have shown the PB the profiles,

the driveway—the plan is successful and (2) in looking at the inventory they took of Town of Bolton Roads, Mohican Hill Road is 17% slope, Horicon Avenue is a 16.5% slope, Edgcomb Pond Road is a 16% slope—these are town roads, the area they live in. H. Koster said that because there were inadequate slopes in the past doesn't mean they have to have inadequate slopes in the future. Peter Loyola said that (1) the new tanker the town just purchased is a great decision because it makes fighting fires and early response much more accessible—it meets the need of the surrounding terrain in the Town of Bolton, (2) they are proposing a water source with fire sprinklers and it doesn't get much safer than that, (3) it is a private drive, so they do understand the liability and living here in terms of safety, (4) they feel they have engineered this road properly and have profiles here and showing limits of disturbance and (5) the applicants are very interested in making sure this fits in the site and that any disturbance has been mitigated. H. Koster said that (1) he is not interested in adding any expense to the representatives' clients, but it is a show me thing, (2) there is more engineering involved to show the PB that this is what the representatives are presenting to the PB and (3) there are cross-sections the PB should see to visualize the disturbance on these areas—the PB gets a good idea with what is shaded here for disturbance, but it is quite large in a couple of areas and quite steep in a couple of areas. Scott Miller said that they understand that, but they are asking for sketch plan approval so they can justify to their client to continue and further look at some of the issues and requirements the PB is asking.

Counsel said that (1) he thinks that the PB has shown the applicant's representatives that there is great risk here and they have so far the PB is not favorably inclined and the PB is trying not to pre-judge and (2) the PB is not assuring the representatives that once they go through some visualization that it will be approved. H. Koster said that (1) he has gone through visualizations and they are extremely expensive and (2) he is not looking to push this on anybody, but he can't see how this project can be proven by the applicant without something like visualizations and also cross-sections that are also expensive, but not as expensive as the visualization. Peter Loyola said that (1) they have provided profiles, (2) they can provide cross-sections, (3) they are obviously going to meet all the safety and code requirements and (4) they can certainly do more lines, drawings, cross-sections, etc. Counsel said that at this stage it is inappropriate for this board to pre-judge it and they wouldn't and they shouldn't, but admittedly, the magnitude of what is presented just doesn't present a warm fuzzy show me more—cheaply. Peter Loyola said that (1) they understand that, (2) he knows it is hard not to pre-judge this project because of how sensitive of a site this is and (3) when they got involved with this project, they wanted to make sure they stayed involved from beginning to end, so what they say and present before the PB is what is going to happen out in the field. H. Koster said that the other PB concern is that all stormwater management will be taken care of. Peter Loyola said that (1) they have looked at that very seriously as well and feel they can handle all the stormwater erosion, (2) they are not taking the work they are doing here lightly by any means, (3) to make it more palatable, they can show that the disturbances are not really as great as shown on this plan, then they would be happy to move that forward and (4) if they find there are other places to move the houses to a little lower location without creating more disturbance, they will look into that. H. Koster said that he would like to

compliment these guys on how they re-did their contour lines—this is something he has been asking some engineers for for years—it is very helpful to show it this way.

J. Gaddy said that he agrees with the applicants that he is sure their presentation in a professional manner would allow a road to be constructed without it being visible from 90% of the view shed, but the applicants are kind of saying that if you can't see this is still disturbance and his feeling is yes, it is still disturbance. Peter Loyola said that (1) it is important to keep in mind that the disturbance from construction activity is very temporary, (2) they don't want to do this to the point where they landscape this and make it a manmade type of environment, (3) he would really venture to guess that vegetation is going to come in very quickly and (4) it is a temporary disturbance and vegetation will grow. H. Koster said that plantings help a lot too and Peter Loyola agreed. J. Gaddy said that flying balloons may be another thing that can be done. Peter Loyola said that (1) they would be happy to do that, but the balloon studies these days are not as effective as the computer models and (2) what the PB sees is what it will get.

Atty. Mike Hill of Miller, Mannix, Shachner & Hafner asked to confer with his clients for a moment. Peter Loyola said that (1) regarding the current plan, they would be happy to provide the visuals, (2) if they can go through the expensive visual process, they want to make sure the PB will not be requiring the full engineering package—if they can show the PB based on the current plan what the PB would be looking at and be seeing, (3) they would take into consideration some of the stormwater at the lower pond and some of the disturbances, that they could move forward with sketch plan once they satisfy the PB's conditions in terms of the visuals the PB wants to see and (4) he asked if that's fair. H. Koster said that (1) no, the word "comfortable" is not comfortable to him, (2) the point he is trying to get across is that they could go on with this to the next stage, but basically the client representatives are shooting craps, because they are gambling here—he can't speak for everybody on the PB, but he can listen to what they've said and he can tell the applicants that they need to show the PB a lot that would convince the PB that this is the proper way to use this acreage, (3) he doesn't want to say the PB is comfortable and (4) he is not pre-judging this—it is a pinnacle that is greatly visible—out on the lake you cannot miss the pinnacle, right now it is bald. Peter Loyola said that they understand the task they have.

H. Koster said that he doesn't think that tabling is improper at this point. Counsel asked if it would be tabled for further development by the applicant or do the applicants want to leave it open here at sketch. H. Koster said that the sketch plan is complete as far as what the town is looking for and he can't see delaying the applicant a month without even sketch plan approval. Counsel said that it meets the criteria of what the PB seeks for sketch. H. Koster agreed. Peter Loyola said that (1) what they are after is that it meets the criteria of sketch plan and they can at least move this forward and (2) they understand the hurdles and are very perceptive of where everyone is going with this and what the PB wants to see. J. Gaddy said that he agrees that he is not sure that this PB is convinced that this is the proper use of this parcel. Counsel said that that is the ultimate question. H. Koster said that the PB is not approving or disapproving anything on this project, all the PB is saying is that there is enough information here to approve it as sketch plan

review and he can't see asking the applicant for more information without even having sketch plan.

P. Kenyon asked if the PB has decided if this is going to be a shared driveway or a road. H. Koster said (1) no, he doesn't want to go in either direction, because this PB is interested in disturbance and also interested in fire protection, (2) if the PB says driveway, that means less disturbance but also less fire protection and if the PB says roadway that greatly increases disturbance and (3) asked if the PB has to make that decision. P. Kenyon said yes. Scott Miller said that is going to greatly affect their design. Counsel agreed and said that it also has a fundamental different expectation in terms of legal ramifications.

H. Koster asked if the project met all of the PB members' concerns, if they'd prefer a driveway or a roadway. J. Gaddy said that (1) he thinks of the difficult access for homes and if these houses burned up or lost in a fire, that is not a concern for him—he is concerned for the people going and making those service calls and (2) he thinks it is a challenging course and the PB will need every open space on a lane to get vehicles back and forth past one another. H. Koster said that (1) if they are going to do a driveway of 20 ft. plus 2 ft. shoulders on each side, the PB has allowed roadways to be that narrow in subdivisions and (2) as far as he is concerned, 20 ft. is more than adequate, but the Fire Dept. is looking for something different—it is actually 24 ft. with the shoulders. D. Roessler asked what the road surface would be and Scott Miller said it is currently proposed as gravel. H. Koster asked for specs on the type of gravel and Peter Loyola said that it would be rubble, a lot of the sub-base of the rock they would be blasting or cutting, but they could come up with Item 4. D. Roessler asked if the applicants have considered guardrails in some of the bends and steep bank areas yet and Scott Miller said that most of the slopes where there is fill is currently 2:1 and they haven't gone that far ahead to consider guardrails. D. Roessler said that (1) his concern is that he's been on dirt roads in the winter time and once dirt roads are frozen they do not thaw—they are frozen until springtime, (2) with the size of the trucks and the tires, once they start sliding, they don't stop, (3) the cost of the vehicles is one thing, but there will be 3-4 people in these trucks, and if these banks are steep enough to where they start going, it's not going to take much for them to roll over and (4) so if you lose equipment, that's one thing, but you don't want to lose one of these guy's lives. Peter Loyola agreed. D. Roessler said that his concern is not in the summertime, but his biggest concern is in the wintertime because there will be some shaded areas and it is going to be on the turns where it is not going to thaw. Peter Loyola agreed and said that there are some jogs and turns and there will be some shading and things of that nature. D. Roessler said that he understands the PB's concerns with the disturbance and the width of the road, but given the length of the road, the steepness and some of the turns, a wide road is needed. H. Koster asked if 20 ft. is wide enough and D. Roessler said yes, 20 ft. would be fine with the 2 ft. shoulders on each side. H. Koster said that the PB can go to roadway, but then they would have to put radii in. D. Roessler agreed and said that if Don Volkmann said that 35 ft. is enough, he is not going to argue with him on that, but if they could get wider radii it would make things better. Scott Miller said that (1) the minimum is 25 ft, but they go up to 45 ft. in some places and (2) if they go to a larger radius and a road is required, there will be much

more disturbance to lengthen the road in order to meet road specifications. Peter Loyola said that (1) that length of road is less than 3,000 ft. in terms of road, and while that is a long driveway it is not the entire road seen on the maps that are that steep and (2) about every 1,000 ft. they have a pretty substantial hammerhead coming out of there that would be bail-out points. H. Koster said that (1) if the PB wants to do a driveway at 20 ft. that is more than adequate, but if the PB is looking for greater radii and bigger disturbances you go to a roadway for this and (2) he doesn't believe they need a roadway specification for three houses.

Resolutions:

Motion by Donald Roessler to accept the application as a completed sketch plan and convert the sketch plan to final plat and table the application pending additional information. The roadway will be considered a shared driveway with a 20 ft. driving surface and 2 ft. shoulders on each side for stormwater controls. **Seconded by** John Gaddy. Sue Wilson recused herself. **All others in favor. Motion Carried.**

- 6) **SD06-05 FEDERAL HILL CORPORATION. William Bixby III.** Represented by D.L. Dickinson Associates. Seeks to amend previously approved plat, SD96-07, approved by the Board on July 25, 1996. Specifically to merge those parcels designated as Section 156.00, Block 1, Lots 70.3 & 70.4 and then subdivide into 3 lots. Zones RL3 & LC25. Property Location: County Route 11. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

Resolutions:

This item tabled at the applicants request.

Meeting adjourned at 9:27pm.

Respectfully submitted by
Jennifer Torebka
Recording Secretary
10/18/07